

Notice of Allowability

Application No.

10/713,464

Examiner

Vy Q. Bui

Applicant(s)

GWEN, PATRICK

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to iDS 4/15/2004.
2. ☒ The allowed claim(s) is/are 1-8, 10-14 and 16-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/15/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue.

Authorization for this examiner's amendment was given in a telephone interview with applicants' attorney, Mr. Chu, on 03/09/2006.

2. The application has been amended as follows:

Cancel claims 9, 15 and 20

CLAIM 1: A tongue cleaner apparatus comprising:

an elongate body with a gripping area at one end and a tablet receiving area adjacent an opposite end;

a cleaning edge formed at said opposite end of said elongate body and extending downwardly from said elongate body;

a tablet affixed within said tablet receiving area of said elongate body and extending downwardly from said elongate body, said tablet having a plurality of protrusions or a plurality of indentations on a surface of said tablet;

said tablet having one end secured to an underside of said tablet receiving area of said elongate body; and

said surface of said tablet positioned downwardly further from said cleaning edge.

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CLAIM 5:

- Line 1: after "claim 3", delete "said tablet having one end secured to an underside of said tablet receiving area of said elongate body, said tablet having an opposite surface positioned outwardly of a rim of said tablet receiving area, ".
- Line 4, delete "opposite".
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CLAIM 6:

- Line 1: after "claim 4", delete "said tablet having one end secured to an underside of said tablet receiving area of said elongate body, said tablet having an opposite surface positioned outwardly of a rim of said tablet receiving area, ".
- Line 4, delete "opposite".

CLAIM 8: A tongue cleaner apparatus comprising:

an elongate body having a generally planar surface having a cleaning edge extending downwardly from said planar surface adjacent one end of said elongate body, said elongate body having an orifice formed through said planar surface adjacent said cleaning edge;

a tablet affixed to an underside of said elongate body adjacent said cleaning edge, said tablet having a plurality of protrusions or a plurality of indentations extending from a surface of said tablet opposite said planar surface;

said elongate body having a rim extending downwardly around at least a portion of a periphery of said planar surface and defining said cleaning edge; and

said tablet extending downwardly from said planar surface for a distance greater than a distance that said cleaning edge extends downwardly from said planar surface.

CLAIM 14: A tongue cleaner apparatus comprising:

an elongate body having a generally planar surface with a rim extending downwardly therefrom around at least a portion of a periphery of said planar surface, said elongate body having an orifice formed through said planar surface generally adjacent one end of said elongate body;

a tablet affixed to an underside of said elongate body adjacent said one end of said elongate body, said tablet having a plurality of protrusions or a plurality of indentations extending from a surface of said tablet opposite said planar surface of said elongate body;

said elongate body having a cleaning edge extending downwardly from said planar surface adjacent said one end of said elongate body, said tablet positioned adjacent said cleaning edge; and

said cleaning edge extending downwardly from said planar surface of said elongate body for a distance less than a distance that said tablet extends downwardly from said planar surface.

3. The following is an examiner's statement of reasons for allowance: the prior art reference has failed to disclose or suggest a tongue cleaner device as recited in the claims, especially a tablet having protrusions or indentations extending downwardly and a cleaning edge extending downwardly a distance farther than that of the tablet .

Claims 1-8, 10-14 and 16-19 are allowed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


08/09/2006

Vy Q. Bui
Primary Examiner
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